

UNITED STATES DISTRICT COURT

DISTRICT OF MARYLAND

CHAMBERS OF
J. FREDERICK MOTZ
UNITED STATES DISTRICT JUDGE

FILED
U.S. DISTRICT COURT
DISTRICT OF MARYLAND

2000 AUG 27 P 2:41

101 W. LOMBARD STREET
BALTIMORE, MARYLAND 21201
(410) 962-0782
FAX (410) 962-2698

CLERK'S OFFICE
AT BALTIMORE

August 7, 2000 BY _____ DEPUTY

Memo to Counsel Re: The General Conference of Seventh-Day Adventists v. Montgomery
County Human Relations Commission, et al.
Civil No. JFM-00-1024

Dear Counsel:

I have reviewed the memoranda submitted in connection with Ms. Willis' motion to dismiss (in which the County defendants have summarily joined).

In light of the fact that there is presently no judicial proceeding pending in the Maryland state courts, the nature of the challenges made by plaintiff to the Montgomery County Human Relations ordinance, and the limited nature of the judicial review available from any decision made by the Montgomery County Human Relations Commission, I have serious question as to whether abstention is appropriate. In any event, I am persuaded that it is in the interest of the expeditious resolution of this litigation for it to proceed. Defendants may, if they choose, renew their abstention arguments when they file a motion for summary judgment after the conclusion of discovery and in accordance with the schedule that has already been established.

By the time summary judgment motions are filed, the Maryland Court of Appeals may have rendered its decision in Walsh v. Montrose Christian School Corp., and provided guidance concerning the scope of the ordinance. The Court of Appeals' decision may, of course, impact upon the issues I need to decide. However, in my view the pendency of Walsh does not provide a sufficient basis for me to abstain or to suspend proceedings in this case.

Despite the informal nature of this ruling, it shall constitute an Order of Court, and the Clerk is directed to docket it accordingly.

Very truly yours,



J. Frederick Motz
United States District Judge

cc: Court File